

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
ASHEVILLE DIVISION  
1:13 cr 78**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Vs.</b>	)	<b>ORDER</b>
	)	
<b>BRITTANY ROCKWELL WILLIAMS,</b>	)	
	)	
<b>Defendant.</b>	)	
	)	

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**THIS MATTER** has come before the undersigned pursuant to a Motion to Correct the Description of a Previously Forfeited Firearm (#29) filed by the Government. On February 24, 2014 the undersigned entered, with the consent of the parties, a Consent Order and Judgment of Forfeiture (#25). The Government now wishes to have the order amended.

LCrR 47.1(B)entitled “Motions Practice in Criminal Cases” provides as follows:

**(B) Certificate of Conference With Filing.**

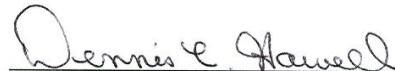
Pretrial motions, other than motions to suppress, *ex parte* motions, and notices (notice of substitution of counsel, notice of appearance, notice of intent to present certain types of evidence, etc.) shall include a certification that the moving party has conferred with opposing counsel and state opposing counsel’s position on the relief sought, or an explanation as to why conferring should not be required under the circumstances. If a hearing on a motion is requested, counsel should estimate the length of such hearing.

The motion of the Government does not show there has been conference with counsel for Defendant, nor does the motion disclose opposing counsel's position on the relief sought. The motion does not show compliance with LCrR 47.1(B) and as a result, the undersigned will deny the motion of the Government without prejudice.

## **ORDER**

**IT IS, THEREFORE, ORDERED** that the Motion to Correct the Description of a Previously Forfeited Firearm (#29) filed by the Government is hereby **DENIED** without prejudice.

Signed: April 17, 2014



Dennis L. Howell  
United States Magistrate Judge

